

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DENNIS PARTAKA, et al.,

Plaintiffs,

V.

MAJOR JOHNSON, et al.,

Defendants.

Case No. 6:23-cv-525-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Dennis Partaka, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. Both the original and amended complaints in this case also listed two other inmates, Jonathan Pendleton and Matthew Jones, as plaintiffs, but neither signed the amended complaint. *See* Docket No. 6. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

Before the Court is Plaintiff Partaka's motion for voluntary dismissal. Docket No. 7. On February 5, 2024, Judge Mitchell issued a Report recommending that the Court grant Plaintiff's motion and dismiss Partaka's claims in this case without prejudice. Docket No. 8. The Report also recommended that the Court dismiss without prejudice Pendleton's and Jones's claims in this case as duplicative of pending claims in another case. *See Partaka v. Johnson*, No. 6:24-cv-31 (E.D. Tex.

Jan. 22, 2024. A copy of this Report was sent to each Plaintiff in this case. No objections have been received.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).


Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 8) as the findings of this Court. The Court **GRANTS** Plaintiff Partaka’s motion for voluntary dismissal (Docket No. 7). It is therefore **ORDERED** that this case is **DISMISSED** without prejudice based on Plaintiff Dennis Partaka’s motion and as duplicative concerning Plaintiffs Jonathan

Pendleton and Matthew Jones's claims. The dismissal of this lawsuit shall have no effect upon other pending litigation involving these Plaintiffs.

Signed this

Mar 14, 2024


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE